

REMARKS

Upon entry of the present amendment, claims 1-11 will have been canceled without prejudice or disclaimer. Claim 12 will have been amended to clarify a feature of the present invention. Finally, claim 14 will have been amended into independent form, and dependent claims 25 and 26 will have been added for consideration.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all the claims pending in the present application, in due course.

In the outstanding Official Action, the Examiner rejected claims 1-12 and 15-18 under 35 U.S.C. § 103 as being unpatentable over MALEK (U.S. Patent No. 4,915,498) in view of YAHAV et al. (U.S. Patent No. 6,057,909). Claims 13, 23 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over MALEK in view of YAHAV et al. and further in view of ROBERTS (U.S. Patent No. 5,541,654).

The Examiner indicated claims 19 and 21 as allowable and further objected to claim 14 as being dependent upon a rejected base claim. However, the Examiner indicated that claim 14 would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims.

Applicant respectfully thanks the Examiner for the indication of allowability of claims 19 and 21 as well as for the indication of allowable subject matter in claim 14.

By the present Response, Applicant has canceled claims 1-11 thus rendering the rejection thereof moot. Additionally, Applicant has rewritten claim 14 into independent form. In this regard, Applicant has not included the recitations of claim 13 therein

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because Applicant submits that claim 14 in independent form is clearly patentable over the references of record, even without the recitations of intermediate claim 13, to the extent that they are not inherently included within the limitations of claim 14 as amended. In this regard, Applicant notes that the limitations of claim 13 are not included in the Examiner's Statement of Reasons for Indication of Allowability. Applicant respectfully requests the Examiner to consider claim 14 and to indicate the allowability thereof.

In the outstanding Official Action, the Examiner rejected claim 12 as unpatentable over MALEK in view of YAHAV et al. In setting forth the rejection, the Examiner indicated that MALEK discloses "an electric charge transfer processor that transfers electric charge accumulated only in photoelectric conversion elements comprising effective horizontal lines (all the lines are effective) which are disposed every predetermined number of horizontal lines wherein the predetermined number is 1".

Applicant respectfully traverses the propriety of this rejection. Initially, Applicant notes that claim 12 recites "horizontal lines" and "effective horizontal lines". According to the Examiner's interpretation, all of the "horizontal lines" are "effective horizontal lines". This is illogical because this renders the recitation of effective horizontal lines to be redundant.

Moreover, by reciting the effective horizontal lines being disposed every predetermined number of horizontal lines, Applicant clearly indicates that there is a difference between the horizontal lines and the effective horizontal lines. According to the Examiner's interpretation, that the predetermined number is 1 and the effective

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horizontal lines are equal to the horizontal lines, virtually this entire paragraph of Applicant's claim is redundant. This is not an appropriate fashion in which to interpret Applicant's claims. Accordingly, at least for this reason, it is respectfully submitted that claim 12 is clearly patentable over the combination of references cited by the Examiner.

Nevertheless, and in order to render the Examiner's interpretation of the claims explicitly inappropriate, Applicant has further defined the features of Applicant's invention. In particular, Applicant has defined the predetermined number being at least equal to two. Accordingly, the Examiner's interpretation of the recitations of Applicant's claim has been rendered explicitly inappropriate. Accordingly, Applicant respectfully submits that the references relied upon in the Examiner's rejection do not teach, disclose nor render obvious the combination of features recited in Applicant's claim 12 and respectfully requests an indication to such effect in due course.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection asserted against claim 12 together with an indication of the allowability thereof. Such action is respectfully requested and is now believed to be appropriate and proper.

Applicant notes the Examiner's Statement of Reasons for indication of allowable subject matter. In this regard, while Applicant does not necessarily disagree with any of the features noted in the Statement, Applicant further wishes to point out that each of the claims in the present application recites a combination of features and that the patentability of each claim is also properly based upon the particular combination of features recited in each claim. Accordingly, the reasons for indication of allowable subject matter should not be limited to those features indicated by the Examiner.

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Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections together with an indication of the allowability of claims 12-14, 19, 21 and 24-26.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believe that he has now done so. Applicant has amended several claims, has canceled several claims and has rewritten one claim into independent form.

Applicant has discussed the outstanding rejection and has shown the same to be inappropriate by contrasting the features of Applicant's invention, as recited in the claims, with the disclosure of the reference asserted by the Examiner. Applicant has further pointed out the impropriety of the Examiner's interpretation of the reference.


Moreover, and merely in order to expedite the allowance of the claims in the present application, Applicant has amended the claim to more clearly define Applicant's invention without narrowing the scope thereof. In particular, Applicant has explicitly recited an implicit feature of Applicant's claim. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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